

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BANCROFT LIFE & CASUALTY ICC,
LTD.,

Plaintiff,

v.

FFD RESOURCES IV, LLC,

Defendant.

3:11-cv-00214-LRH-WGC

ORDER

FFD RESOURCES IV, LLC, and FFD
VENTURES, LP,

Counterclaim Plaintiffs,

v.

BANCROFT LIFE & CASUALTY ICC,
LTD.,

Counterclaim Defendant.

Before the court is Plaintiff/Counterclaim Defendant Bancroft Life & Casualty ICC, Ltd.'s ("Bancroft") Objections (#42¹) to U.S. Magistrate Judge William G. Cobb's order of September 29, 2011 (#41) granting Defendant/Counterclaim Plaintiff FFD Resources IV, LLC's ("FFD4") Motion

¹Refers to court's docket entry number.

1 to Join FFD Ventures, LP (“Ventures”) as a counterclaim plaintiff (#17). FFD4 and Ventures filed
2 a Response (#50) to Bancroft’s objections.

3 This matter was referred to the Magistrate Judge for final determination pursuant to 28
4 U.S.C. § 636(b)(1)(A) and Local Rule IB 1-3 of the Rules of Practice of the United States District
5 Court for the District of Nevada. Pursuant to § 636(b)(1)(A), Federal Rule of Civil Procedure 72(a)
6 and Local Rule IB 3-1, a district judge may reconsider a magistrate judge’s determination of such a
7 pretrial matter where it has been shown that the magistrate judge’s order is “clearly erroneous or
8 contrary to law.” The court has conducted its review in this case and has fully considered
9 Bancroft’s objections, FFD4 and Ventures’ response, and the pleadings and memoranda of the
10 parties and other relevant matters of record. The court determines that the Magistrate Judge’s order
11 of September 29, 2011 granting joinder (#41) is not clearly erroneous or contrary to law, and that
12 Bancroft’s objections should accordingly be denied.

13 To the extent Bancroft may contend that the counterclaims are subject to dismissal for lack
14 of standing or failure to state a claim, the court’s ruling on joinder is without prejudice to the
15 assertion of such arguments in a motion to dismiss. Furthermore, pursuant to Federal Rule of Civil
16 Procedure 21, the court retains the authority to sever any party or claim should misjoinder later be
17 shown.

18 To the extent Bancroft objects to defending against the same counterclaims in multiple
19 forums, that may be grounds for consolidation or transfer but not denying joinder. The court also
20 notes that Bancroft previously opposed FFD4’s motion to transfer venue to the Southern District of
21 Texas. Given subsequent developments and Bancroft’s possible change in position, the parties may
22 file renewed motions if they wish to have the issue reconsidered.

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1 IT IS THEREFORE ORDERED that Plaintiff/Counterclaim Defendant's Objections (#42)
2 are DENIED.

3 IT IS SO ORDERED.

4 DATED this 24th day of January, 2012.



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7 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE